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RECENT DECISIONS

CONSTITUTIONAL LAW—INJUNCTIONS—PICKETING.—A dispute arose between plaintiffs and defendants' Union concerning the terms and conditions of employment of the members of the Union. Plaintiffs refused to yield to the terms of the Union, which thereupon ordered a strike. Defendants induced plaintiffs' customers and others to cease from trading with plaintiffs by means of picketing, displaying banners, advertising the strike, patrolling within five feet of plaintiffs' premises and denouncing plaintiffs as "unfair", appealing to customers to stay away from plaintiffs' restaurant, and the circulation of handbills containing abusive and libelous charges against plaintiffs, their employees, and their patrons, and intimations of injury to future patrons. As a result of these practices plaintiffs' business was very materially injured. A State statute declared that no injunction should issue in any case between employer and employee arising out of a dispute concerning conditions or terms of employment unless it is necessary to prevent irreparable injury to property; nor to prevent any person from terminating their employment or from recommending, advising or persuading others by peaceful means so to do; or from attending near any house, or place of work or business for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working, or from ceasing to patronize, or from recommending, advising, or persuading others by peaceful means so to do. In spite of this statute plaintiffs sought to enjoin defendants from doing the acts set forth above. *Held*, the injunction would lie as the statute is unconstitutional as being a deprivation of property without due process of law, and a denial of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States. *Truax v. Corrigan*, 42 Sup. Ct. 124 (1921).

Four of the Justices dissented to this decision, and the dissenting opinion of Mr. Justice Brandeis is particularly exhaustive and learned, and he has appended to his opinion a very valuable footnote containing an exhaustive list of the authorities bearing on this interesting and important subject.

The effect of this decision would seem to be very far-reaching indeed, and undoubtedly many State statutes which heretofore have protected labor unions in their practices of picketing and boycotting come within its broad sweep. The instant case seems to be sound on principle, and is firmly based on authority.

In this connection it would be well to note the recent case of *American Steel Foundries v. Tri-City Central Trades Council*, 42 Sup. Ct. 72 (1921), 8 VA. LAW REV. 298. See also 7 VA. LAW REV. 462 for a note on the use of the injunction in labor disputes.